

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
EXECUTIVE COMMITTEE
MINUTES OF A PUBLIC HEARING
RESCHEDULED FROM JANUARY 6, 2005**

DATE.....January 12, 2005
TIME.....4:30 P.M.
PLACE.....CO. OFFICE BLDG.
20 N. 3rd STREET
LAFAYETTE, IN 47901

MEMBERS PRESENT

Dave Williams
Gary Schroeder
KD Benson
Mark Hermodson
Dr. Carl Griffin

MEMBERS ABSENT

Bob Bowman

STAFF PRESENT

Sallie Fahey
Margy Deverall
Kathy Lind
Jay Seeger, Atty.
Bianca Bullock

Mark Hermodson called the meeting to order.

I. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the December 1, 2004 Executive Committee public hearing as submitted. Dave Williams seconded and the motion carried by voice vote.

II. NEW BUSINESS

A. FINAL DETAILED PLANS

1. RESOLUTION PD 05-01 WEATHERSFIELD PLANNED DEVELOPMENT, PHASE 1 (Z-2206)

Final Detailed Plans, consisting of Construction plans and final plat for 2 of 27 single-family home lots in a large-lot rural development with lots ranging in size from 1.5 to 4.79 acres and common area, on 67.678 acres straddling a branch off the South Fork of Wildcat Creek. The project is located on the east side of CR 800 E, ¼ mile north of its intersection with CR 200 S, Perry 33 (SE) & 34 (SW) 23-3.

Gary Schroeder moved to hear and approve the above-described request. Dave Williams seconded.

Margy Deverall presented slides of the zoning map, aerial photos and preliminary plat. She highlighted the written staff report with recommendation of approval.

Bob Gross, 420 Columbia St, Lafayette, IN, concurred with the staff report and requested approval.

KD Benson asked if the other lots on the north side of the creek have been created.

Bob Gross answered that they would be completed in spring.

Sallie Fahey added that those lots on the north side has been created by a minor subdivision.

The Committee voted by ballot 5 yes – 0 no to approve **RESOLUTION PD 05-01 WEATHERSFIELD PLANNED DEVELOPMENT, PHASE 1 (Z-2206).**

2. RESOLUTION PD 05-02 BRITTANY CHASE PLANNED DEVELOPMENT, PHASE 1 (Z-2119)

Final Detailed Plans, consisting of a final plat for 84 of the 283 single-family lots in this 63.21-acre development. The site is located north of CR 350 S and west of Concord Road, in the City of Lafayette, Wea 10 (NW) 22-4.

Gary Schroeder moved to hear and approve the above-described request. Dave Williams seconded.

Margy Deverall presented slides of the zoning map, aerial photos and preliminary plat. She summarized the staff report with recommendation of approval.

Joseph T. Bumbleburg, PO Box 1535, Lafayette, IN, concurred with the staff report and requested approval.

The Committee voted by ballot 5 yes – 0 no to approve **RESOLUTION PD 05-02 BRITTANY CHASE PLANNED DEVELOPMENT, PHASE 1 (Z-2119).**

III. PUBLIC HEARING

Gary Schroeder moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance for Tippecanoe County, Indiana are hereby entered by reference into the record of each agenda item. Carl Griffin seconded and the motion carried by voice vote.

A. SUBDIVISIONS

1. S-3601 – HARRINGTON SUBDIVISION (Minor-Sketch):

Petitioners are seeking primary approval of a four-lot minor subdivision on 10.0 acres located on the east side of CR 400 W, north of CR 250 N, Wabash 10 (NW) 23-5. CONTINUED FROM THE DECEMBER AREA PLAN COMMISSION MEETING.

Gary Schroeder moved to hear and approve the above-described request. Carl Griffin seconded.

Kathy Lind presented slides of the zoning map, aerial photos and sketch plan. She highlighted the staff report with recommendation of conditional primary approval, contingent on the following:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. Except for the approved entrances, a “No Vehicular Access” statement shall be platted along the CR 400 W right-of-way line.
2. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
3. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
4. A 10' utility easement shall be platted along the CR 400 W right-of-way.
5. All required building setbacks shall be platted.
6. The street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS - The following items shall be part of the subdivision covenants:

7. The “No Vehicular Access” statement shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Joseph T. Bumbleburg concurred with the staff report and requested approval.

The Committee voted by ballot 5 yes – 0 no to grant conditional primary approval to **S-3601 – HARRINGTON SUBDIVISION (Minor-Sketch).**

2. S-3613 – WILDLIFE SANCTUARY (Minor-Sketch):

Petitioner is seeking primary approval for a four-lot subdivision on 4.716 acres, located on the east side of CR 775 E, just north of SR 26, in Perry 21 (SE) 23-3.

Gary Schroeder moved to hear and approve the above-described request. Dave Williams seconded.

Kathy Lind presented slides of the zoning map, aerial photos and sketch plan. She summarized the staff report with recommendation of conditional primary approval, contingent on the following:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. Except for the approved entrances, a “No Vehicular Access” statement shall be platted along the CR 775 E right-of-way line.
2. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
3. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
4. All required building setbacks shall be platted.

5. The Regulatory Flood Elevation and Boundary for the flood plain shall be shown (It shall also be described and certified as specified in Unified Zoning Ordinance, Section 2-26-17.) or the FP zoning district boundary from the official Perry Township Zoning Map must be delineated.
6. The street addresses and County Auditor's Key Number shall be shown.
7. Parcelization P97-112 shall be dissolved prior to recording the final plat.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

8. The “No Vehicular Access” statement shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Carl Griffin moved to add condition #7 under Final Plat: P97-112 shall be dissolved prior to recording the final plat. Gary Schroeder seconded and the motion carried by voice vote.

Nick Starr, 413 Teal Road, Lafayette, IN, concurred with the staff report and requested approval.

The Committee voted by ballot 5 yes – 0 no to grant conditional primary approval to **S-3613 – WILDLIFE SANCTUARY (Minor-Sketch).**

3. S-3616 – KLINKERS SUBDIVISION, REPLAT OF LOT “H” (Minor-Sketch):

Petitioners are seeking primary approval to replat an existing lot to reduce the platted front setback. The property is located on the west side of Garden Street, south of Elm Drive, in West Lafayette, Wabash 18 (NW) 23-4.

Gary Schroeder moved to hear and approve the above-described request. Carl Griffin seconded.

Kathy Lind presented slides of the zoning map, aerial photos and sketch plan. She highlighted the staff report with recommendation of conditional primary approval, contingent on the following:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
2. All required building setbacks shall be platted.
3. The street addresses and County Auditor's Key Number shall be shown.

Nick Starr concurred with the staff report and requested approval.

Mark Hermodson asked where the building lines are located on the sketch plan and where are the neighbors' homes in relation to the new setback.

Kathy Lind explained that the current building on the property extends into the south setback, but will not extend farther into the setback than the neighboring homes.

The Committee voted by ballot 5 yes – 0 no to grant conditional primary approval to **S-3616 – KLINKERS SUBDIVISION, REPLAT OF LOT “H”(Minor Sketch).**

4. S-3618 – SASSAFRAS GROVE (Minor-Sketch):

Petitioners are seeking primary approval for a two-lot subdivision on 14.5 acres, located on the north side of CR 800 S, ¼ mile west of US 52, in Sheffield 33 (SE) 22-3.

Gary Schroeder moved to hear and approve the above-described request. Carl Griffin seconded.

Kathy Lind presented slides of the zoning map, aerial photos and sketch plan. She summarized the staff report with recommendation of conditional primary approval, contingent on the following:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. Except for the approved entrances, a “No Vehicular Access” statement shall be platted along the CR 800 S right-of-way line.
2. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
3. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
4. All required building setbacks shall be platted.

5. The Regulatory Flood Elevation and Boundary for the Lauramie Creek Flood Plain shall be shown. It shall also be described and certified as specified in the Unified Zoning Ordinance, Section 2-26-17.

6. The street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

7. The “No Vehicular Access” statement shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Ron Wharry, 52 W. Clinton Street, Frankfort, IN, concurred with the staff report and requested approval.

The Committee voted by ballot 5 yes – 0 no to grant conditional primary approval to **S-3618 – SASSAFRAS GROVE (Minor-Sketch)**.

IV. APPROVAL OF THE JANUARY AREA PLAN COMMISSION PUBLIC HEARING AGENDA

A. NEW BUSINESS

Kathy Lind added that **PD 05-04 HILLTOP PLANNED DEVELOPMENT** should be added to the agenda as an item of new business

Gary Schroeder moved to place the following items of new business on the January 19, 2005 Area Plan Commission Public Hearing Agenda:

RESOLUTION PD 04-29 RENAISSANCE PLACE PLANNED DEVELOPMENT (Z-2143)
RESOLUTION PD 05-04 HILLTOP PLANNED DEVELOPMENT

Carl Griffin seconded and the motion carried by voice vote.

B. COMPREHENSIVE PLAN AMENDMENTS

Gary Schroeder moved that the following amendment to the comprehensive plan be placed on the January 19, 2005 Area Plan Commission Public Hearing Agenda:

T-05-1: AN AMENDMENT TO THE TRANSPORTATION PLAN FOR 2025

Carl Griffin seconded and the motion carried by voice vote.

C. ORDINANCE AMENDMENTS

Gary Schroeder moved that the following ordinance amendment be placed on the January 19, 2005 Area Plan Commission Public Hearing Agenda:

UZO AMENDMENT #47

Carl Griffin seconded and the motion carried by voice vote.

D. REZONING ACTIVITIES

Gary Schroeder moved that the following rezone petitions be placed on the January 19, 2005 Area Plan Commission Public Hearing Agenda.

Z-2222 – BETSY BERLINGER & GUSTAVO RODRIGUEZ-RIVERA (R1 TO A)

Z-2223 – STEVEN M. FIRESTONE (I3 TO GB)

Z-2224 – FRED M. KUIPERS & ANDREA K. KUIPERS (Meadowgate Rural Estate) (A TO RE)

Carl Griffin seconded and the motion carried by voice vote.

E. SUBDIVISIONS

Gary Schroeder moved that the following subdivision petitions be placed on the January 19, 2005 Area Plan Commission Public Hearing Agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

S-3622 – POLO FIELDS SUBDIVISION (Major-Preliminary)

S-3628 – HICKORY RIDGE SUBDIVISION (Major-Preliminary)

Carl Griffin seconded and the motion carried by voice vote.

V. APPROVAL OF THE JANUARY AREA BOARD OF ZONING APPEALS PUBLIC HEARING AGENDA

Gary Schroeder moved to place the following petitions on the January 26, 2005 Area Board of Zoning Appeals Public Agenda:

BZA-1669 – SHAWN & STEPHANIE FOSTER

BZA-1680 – CROWN CASTLE SOUTH LLC

Carl Griffin seconded and the motion carried by voice vote.

Gary Schroeder moved that the following BZA petition for Special Exception does not substantially adversely affect the Comprehensive Plan:

BZA-1680 – CROWN CASTLE SOUTH LLC.

Carl Griffin seconded and the motion carried by voice vote.

VI. DETERMINATION OF VARIANCES

A. LAFAYETTE DIVISION OF THE AREA BOARD OF ZONING APPEALS

Gary Schroeder moved that the following request for variance from the Unified Zoning Ordinance is not a request for use variance, prohibited from consideration by ordinance and statute.

2005-01 – DANIEL MUÑOZ

Carl Griffin seconded and the motion carried by voice vote.

VII. REVIEW AND APPROVAL OF THE DECEMBER BUDGET REPORT

Sallie Fahey highlighted the written budget report. She pointed out the \$30,000 that was encumbered from the 2004 budget to the 2005 budget to pay consultant fees in conjunction with the All-Hazard Mitigation Plan. She mentioned that \$211.00 was used to pay for year-end office supplies, \$3,759.00 was encumbered for legal fees, and \$21,288.00 was the final amount used for paychecks from the 2004 budget. She added that both job descriptions have been written for the two assistant director positions, have received approval from the Budget and Personnel Committee and will now need to be passed by the County's Consultant and the County Commissioners.

Carl Griffin moved to approve the December 2004 budget report as submitted. Gary Schroeder seconded and the motion carried by voice vote.

VIII. OTHER BUSINESS

None

IX. ADJOURNMENT

Carl Griffin moved to adjourn. Gary Schroeder seconded and the motion carried by voice vote.

The meeting adjourned at 5:00 p.m.

Respectfully submitted,



Bianca Bullock
Recording Secretary

Reviewed by,



Sallie Dell Fahey
Executive Director